

Exhibit 5

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: MIDDLESEX COUNTY
3 DOCKET NO.: MID-L-0932-17 AS

-----x
4 IN RE: ASBESTOS LITIGATION
-----x

5 DAVID CHARLES ETHERIDGE and
6 DARLENE PASTORE ETHERIDGE,

7 Plaintiffs,

8 -against-

9 BRENNTAG NORTH AMERICA, INC.
10 (sued individually and as
11 successor-in-interest to MINERAL
12 PIGMENT SOLUTIONS, INC. and as
13 successor-in-interest to WHITTAKER
14 CLARK & DANIELS, INC.), et al.,

15 Defendants.
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16 SUPERIOR COURT OF NEW JERSEY
17 LAW DIVISION: MIDDLESEX COUNTY
18 DOCKET NO. MID-L-7249-16 AS
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19 RONALD MARTIN TEUSCHER and
20 SHANNON TEUSCHER,

21 Plaintiffs,

22 -against-

23 BRENNTAG NORTH AMERICA, INC., et al.,

24 Defendants.
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25 DEPOSITION OF

JACQUELINE MOLINE, M.D.

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<p style="text-align: right;">26</p> <p>1 up-to-date listing of the cases in which you've</p> <p>2 appeared than -- what I have marked here as Exhibit</p> <p>3 8 only runs through December of 2016.</p> <p>4 Do you have a more --</p> <p>5 A Yes.</p> <p>6 MR. HYNES: I'd like to ask that that</p> <p>7 be produced.</p> <p>8 Q If you know, do you know how current</p> <p>9 that more up-to-date listing is?</p> <p>10 A I do not know how current it is, but it</p> <p>11 should be within the past couple of months, if not</p> <p>12 even up to date.</p> <p>13 Q And do you know whether that goes</p> <p>14 beyond -- do you know whether the Herford case, in</p> <p>15 which you appeared, whether that is included in the</p> <p>16 more up-to-date listing?</p> <p>17 A It's kept by my assistant, so I would</p> <p>18 assume that the Herford case would be listed, since</p> <p>19 it occurred in 2017. I don't recall seeing it.</p> <p>20 Q Okay.</p> <p>21 A So I can't speak specifically, but I have</p> <p>22 no reason to think that it would not be present on</p> <p>23 there.</p> <p>24 Q And the Herford -- your trial</p> <p>25 appearance in Herford occurred in October 2017,</p>	<p style="text-align: right;">28</p> <p>1 and deposition testimony list.</p> <p>2 MS. KAGAN: To the extent that it</p> <p>3 exists we'll produce it.</p> <p>4 MR. HYNES: Thank you.</p> <p>5 Q Let's just talk a little bit about the</p> <p>6 Etheridge and Teuscher cases.</p> <p>7 Have you ever spoken with, let's start with</p> <p>8 Mr. Etheridge, have you ever spoken with Mr.</p> <p>9 Etheridge?</p> <p>10 A I have not.</p> <p>11 Q Have you ever spoken with any of his</p> <p>12 treating physicians?</p> <p>13 A No.</p> <p>14 Q And you never obtained an exposure</p> <p>15 history from Mr. Etheridge before you rendered your</p> <p>16 opinions in your report in this matter; is that</p> <p>17 right?</p> <p>18 A I did not.</p> <p>19 Q And you've never spoken with any of</p> <p>20 Mr. Etheridge's family members before offering your</p> <p>21 opinions in his matter, correct?</p> <p>22 A Correct.</p> <p>23 Q Okay. And same questions for Mr.</p> <p>24 Teuscher, you never spoke with Mr. Teuscher before</p> <p>25 rendering your opinions in the Teuscher case,</p>
<p style="text-align: right;">27</p> <p>1 true?</p> <p>2 A Yes.</p> <p>3 Q Have you appeared at trial in any</p> <p>4 cosmetic talcum related cases since the Herford</p> <p>5 matter?</p> <p>6 A In a trial?</p> <p>7 Q A trial setting?</p> <p>8 A I am not sure. I -- I don't remember one</p> <p>9 way or another. I would have to look at the</p> <p>10 listing.</p> <p>11 Q Okay. And have you appeared in any</p> <p>12 depositions in which there are allegations of</p> <p>13 exposure to cosmetic talcum powder containing</p> <p>14 asbestos since your appearance in Herford in October</p> <p>15 of 2017?</p> <p>16 A I think there have been a couple of</p> <p>17 depositions since then.</p> <p>18 Q Do you know how many?</p> <p>19 A I think there have been a couple. I think</p> <p>20 there have been about two or three. Again, I --</p> <p>21 once they're passed, they're passed and I move on to</p> <p>22 what I need to do the next day.</p> <p>23 Q Understood.</p> <p>24 MR. HYNES: Leah, again, we put on the</p> <p>25 record a request for a more up-to-date trial</p>	<p style="text-align: right;">29</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And you've never spoken with any of</p> <p>4 Mr. Teuscher's treating physicians, correct?</p> <p>5 A Correct.</p> <p>6 Q And you've -- you didn't obtain an</p> <p>7 exposure history from Mr. Teuscher before rendering</p> <p>8 your opinions in this case, correct?</p> <p>9 A Correct.</p> <p>10 Q And you've never spoken with any of</p> <p>11 Mr. Teuscher's family members before rendering your</p> <p>12 opinions in this case, correct?</p> <p>13 A Correct.</p> <p>14 Q And you've never -- you were not</p> <p>15 either Mr. Teuscher's or Mr. Etheridge's treating</p> <p>16 physician, correct?</p> <p>17 A Correct.</p> <p>18 Q Okay. Just run through this quickly.</p> <p>19 So, Dr. Moline, you've been testifying in</p> <p>20 asbestos-related litigation since about 1996,</p> <p>21 correct?</p> <p>22 A Thereabouts.</p> <p>23 Q A little over twenty years?</p> <p>24 MS. KAGAN: Counsel, she's been</p> <p>25 deposed hundreds of times and these are</p>

<p style="text-align: right;">30</p> <p>1 questions that your client has asked and your</p> <p>2 law firm has asked, so let's move on or we'll</p> <p>3 be here all night.</p> <p>4 A If you'd like to do the math, yes, it is</p> <p>5 slightly over twenty years.</p> <p>6 Q Okay. And it's still true that you</p> <p>7 average between 250,000 and 300,000 per year working</p> <p>8 on asbestos-related matters in litigation?</p> <p>9 A That number was a more recent number and</p> <p>10 that has not been a number over the past twenty</p> <p>11 years, so it's not an average.</p> <p>12 Q But currently that is the -- that's</p> <p>13 your -- say between February 2017 and February 2018,</p> <p>14 you've made between 250,000 and 300,000 working on</p> <p>15 asbestos-related litigation matters?</p> <p>16 A It might be a little higher than that. I</p> <p>17 don't have the exact numbers yet.</p> <p>18 Q Okay. And is that still reflective of</p> <p>19 about 35 percent of your current personal income</p> <p>20 derived from reviewing records and writing expert</p> <p>21 reports and appearing for testimony for plaintiffs</p> <p>22 in asbestos litigation?</p> <p>23 MS. KAGAN: Compound.</p> <p>24 A It's related to work that I do with respect</p> <p>25 to litigation.</p>	<p style="text-align: right;">32</p> <p>1 am amassing information related to individuals I've</p> <p>2 seen with cosmetic talc.</p> <p>3 Q Let's take those separately. The case</p> <p>4 report that you're working on with one of your</p> <p>5 students --</p> <p>6 A I'm -- it's -- I'm not at liberty to</p> <p>7 discuss it. It's intellectual property and it's not</p> <p>8 related to this litigation. I'm not discussing the</p> <p>9 case.</p> <p>10 Q Is it related to cosmetic talcum</p> <p>11 powder?</p> <p>12 A It is not.</p> <p>13 Q Okay. The second group you're</p> <p>14 compiling information about, individuals who have</p> <p>15 alleged exposure to cosmetic talcum powder?</p> <p>16 MS. KAGAN: Mischaracterizes.</p> <p>17 Argumentative.</p> <p>18 Q Tell me about this information</p> <p>19 gathering that you're doing?</p> <p>20 MS. KAGAN: Overbroad. Privilege.</p> <p>21 A I'm in the process of thinking about how I</p> <p>22 might write an article related to individuals with</p> <p>23 exposure to cosmetic talc.</p> <p>24 Q And you've previously testified that</p> <p>25 you've evaluated 41 individuals with mesothelioma</p>
<p style="text-align: right;">31</p> <p>1 Q In asbestos litigation, correct?</p> <p>2 A In asbestos litigation.</p> <p>3 Q And I haven't had a chance to run</p> <p>4 through the most recent CV, but it's still true that</p> <p>5 you've published a little bit over fifty articles</p> <p>6 over the course of your career?</p> <p>7 A It might be closer to sixty by now, but I</p> <p>8 haven't counted.</p> <p>9 Q And none of your published</p> <p>10 peer-reviewed articles discuss cosmetic talc as a</p> <p>11 potential source of asbestos exposure, correct?</p> <p>12 A Correct.</p> <p>13 Q I think only two of your publications</p> <p>14 are related to mesothelioma specifically, correct?</p> <p>15 A Correct.</p> <p>16 Q And neither of those two articles have</p> <p>17 anything to do with cosmetic talc, correct?</p> <p>18 A Correct.</p> <p>19 Q And do you have any draft publications</p> <p>20 forthcoming at this point in time?</p> <p>21 A With respect to what?</p> <p>22 Q Are you publishing anything related to</p> <p>23 either mesothelioma or asbestos currently?</p> <p>24 A I am working with a medical student on a</p> <p>25 case report of an individual with mesothelioma and I</p>	<p style="text-align: right;">33</p> <p>1 who were exposed to cosmetic talcum powder, correct?</p> <p>2 A As of October, yes.</p> <p>3 Q Has that number grown?</p> <p>4 A Yes.</p> <p>5 Q What is the current number?</p> <p>6 A I don't know. I haven't counted, but there</p> <p>7 have been additional individuals.</p> <p>8 Q More than five, less than five?</p> <p>9 A It's probably more than five. It's</p> <p>10 probably somewhere between five and ten.</p> <p>11 Q Okay. And are each of these</p> <p>12 individuals people who've been referred to you in</p> <p>13 the context of litigation?</p> <p>14 A Yes.</p> <p>15 Q And are each of these people alleging</p> <p>16 only talcum powder exposure or are there other</p> <p>17 exposures alleged?</p> <p>18 MS. KAGAN: Overbroad. Are you asking</p> <p>19 about the individual cases that she's reviewed</p> <p>20 since the October testimony --</p> <p>21 MR. HYNES: The combined group.</p> <p>22 MS. KAGAN: -- or all of them?</p> <p>23 A Everyone has a different exposure history.</p> <p>24 Some of them may have solely cosmetic talc exposure,</p> <p>25 other folks have multiple exposures.</p>

<p style="text-align: right;">214</p> <p>1 MS. KAGAN: Argumentative.</p> <p>2 Mischaracterizes. Asked and answered.</p> <p>3 A There are different levels, some of them</p> <p>4 are remarkably consistent in terms of bulk</p> <p>5 percentage, and so some have found some fibers, some</p> <p>6 have used methodology that finds only one type of</p> <p>7 fiber, because the methodology is specific to only</p> <p>8 one type of fiber, so they will, by definition, not</p> <p>9 be able to find other fibers based on the</p> <p>10 methodology they're using, so it's taking all of the</p> <p>11 information together.</p> <p>12 Q And do you contend that that body of</p> <p>13 information that you just described for testing of</p> <p>14 talc allows you to conclude that there is a specific</p> <p>15 concentration of asbestos in all cosmetic talcs?</p> <p>16 MS. KAGAN: Mischaracterizes.</p> <p>17 Argumentative. Asked and answered.</p> <p>18 A It's consistent between multiple samples,</p> <p>19 but I can't go beyond that.</p> <p>20 Q So it is not your opinion that there's</p> <p>21 a consistent amount of asbestos contamination in all</p> <p>22 cosmetic talc; is that true?</p> <p>23 MS. KAGAN: Mischaracterizes. You</p> <p>24 know that's not what she just said. This is</p> <p>25 harassing.</p>	<p style="text-align: right;">216</p> <p>1 A They have found different levels of</p> <p>2 contamination at different times by different</p> <p>3 investigators looking at different fibers, so it has</p> <p>4 not all been uniform, but it has been found.</p> <p>5 MR. MASAITIS: Thank you.</p> <p>6 MS. KAGAN: Anyone else? Great. This</p> <p>7 concludes the deposition of Dr. Moline in the</p> <p>8 Etheridge and Teuscher matters.</p> <p>9 (Time noted is 3:48 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">215</p> <p>1 A There's been various testing that's found</p> <p>2 asbestos at different levels by numerous different</p> <p>3 scientists. Some of them have been remarkably</p> <p>4 similar in their findings, which is I believe what I</p> <p>5 said, and with respect to -- and it's been found by</p> <p>6 different scientists using different methodologies</p> <p>7 over different time periods that are relevant for</p> <p>8 the use in these cases, and that was what I was</p> <p>9 referring to in my answer. I wasn't going beyond</p> <p>10 that, which is --</p> <p>11 Q And there --</p> <p>12 A Excuse me, I'm not done. And that is the</p> <p>13 extent to which I was answering the question. I</p> <p>14 wasn't going beyond to make grand pronouncements as</p> <p>15 you're conflating the words that I have been using.</p> <p>16 Q Well, you just said you don't intend</p> <p>17 to go beyond that, and my question was merely meant</p> <p>18 to clarify that you indeed do not intend to go</p> <p>19 beyond that.</p> <p>20 In other words, you do not intend to say</p> <p>21 that there is a specific concentration of asbestos</p> <p>22 in all cosmetic talc, that was the extent of my</p> <p>23 question?</p> <p>24 MS. KAGAN: Asked and answered.</p> <p>25 Argumentative.</p>	<p style="text-align: right;">217</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, EVAMARIE WALSH, a Notary Public and</p> <p>4 Shorthand Reporter, do hereby certify that prior to</p> <p>5 the commencement of the examination</p> <p>6</p> <p>7 JACQUELINE MOLINE, M.D.</p> <p>8</p> <p>9 was sworn by me to testify to the truth, the</p> <p>10 whole truth and nothing but the truth.</p> <p>11 I DO FURTHER CERTIFY that the foregoing is</p> <p>12 a true and accurate transcript of the testimony as</p> <p>13 taken stenographically by and before me at the time,</p> <p>14 place and on the date hereinbefore set forth.</p> <p>15 I DO FURTHER CERTIFY that I am neither a</p> <p>16 relative of nor employee nor attorney nor counsel</p> <p>17 for any of the parties to this action, and that I am</p> <p>18 neither a relative nor employee of such attorney or</p> <p>19 counsel, and that I am not financially interested in</p> <p>20 the action.</p> <p>21</p> <p>22 _____</p> <p>23 Notary Public</p> <p>24</p> <p>25</p>